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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CORINNE GRAY,

                              Plaintiff,

                - against -

MICHAEL J. ASTRUE,
Commissioner of Social Security,

                              Defendant.

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07 Civ. 10961

**ORDER**

Richard J. Holwell, District Judge:

On December 16, 2009, Magistrate Judge Ronald L. Ellis issued a Report and

Recommendation ("Report") granting the Commissioner's motion.  To date, the Court

has received neither objections to the Report nor any other communication, such as a

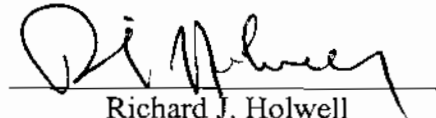letter requesting an extension of time in which to file objections, from the plaintiff.

The district court adopts a Magistrate Judge's report and recommendation when

no clear error appears on the face of the record. *Baldwin v. Astrue*, No. 07-6958, 2009

WL 4931363, at *1 (S.D.N.Y. Dec. 21, 2009) (citing *Nelson v. Smith*, 618 F. Supp. 1186,

1189 (S.D.N.Y. 1985)).  The court, however, must make a de novo determination of

those portions of a report to which objection is made, 28 U.S.C. § 636(b)(1)(C), by

reviewing "the Report, the record, applicable legal authorities, along with Plaintiff's and

Defendant's objections and replies." *Badhan v. Lab. Corp. of America*, 234 F. Supp. 2d

313, 316 (S.D.N.Y. 2002).  The court may then accept, reject, or modify in whole or in

part recommendations of the Magistrate Judge. *Baldwin*, 2009 WL 4931363, at *1.  If a

party fails to object to a report within 14 days of being served with the report, that party

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waives its right to object and appellate review of the district court's decision adopting the

report, absent unusual circumstances, is precluded. *See United States v. Male Juvenile*,

121 F.3d 34, 38 (2d Cir. 1997).

Having found that no clear error appears on the face of the record, the Court

hereby adopts the Report, and the Commissioner's motion [13] is granted. The Clerk of

the Court is requested to close this case.

SO ORDERED.

Dated: New York, New York
     April 19 , 2009

                            Richard J. Holwell
                          United States District Judge